

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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Attorneys for Debtor

In Re:

Andrew Samuel Mackey

Debtor

**Case No: 8-16-73975-ast
Chapter: 13**

**Notice of Motion to Set Aside
Order of Dismissal and To
Restore Debtor's Chapter 13
Case**

I, Daniel Kohn, hereby certify as follows:

1. I am an attorney at the RC Law Group, PLLC, attorneys for the above named Debtor.
2. This Court has jurisdiction to hear and determine this motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
4. On August 30, 2016 (the “Petition Date”), Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York.
5. Ms. Marianne DeRosa has been appointed as Chapter 13 Bankruptcy Trustee.
6. Debtor filed a motion for Waiver from Credit Counseling Due to Disability on August 31, 2016.
7. Debtor filed its Motion for Credit Counseling Waiver due to Debtor's incarceration.

8. On October 18, 2016, the Court issued an Order denying Debtor's Request to Waive the Credit Counseling Requirement, and Dismissed Debtor's Chapter 13 Case.
9. Debtor has now completed the required Credit Counseling Course, and filed the Certificate of Credit Counseling, attached hereto.
10. Given Debtor's exigent circumstances which were the basis for its Motion for a Waiver, the Court's denial of Debtor's Motion for a Waiver, Debtor submits this request pursuant to Fed. Rule Bankr. Proc. 9023 and 9024, and respectfully requests this Court set aside the October 18, 2016 Order Dismissing Debtor's Chapter 13 Case, and grant an Order to Restore Debtor's Chapter 13 Case.
11. To date, Debtor has filed all required Schedules, Statement of Financial Affairs and Statement of Current Monthly Income, and Chapter 13 Plan.
12. There are no pending motions for relief from, annulment of, or conditioning of the Automatic Stay pending in this case and no such motions have been filed in this case.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made are willfully false, I am subject to punishment.

Dated: October 27, 2016

By: /s/ Daniel Kohn
Daniel Kohn
RC Law Group PLLC
Attorneys for Debtor